1947

File No. B. District Municipal, Local Boards & Munis Boroughs - Legal 47

DEPARTMENT

B **BRANCH**

Ag 2115

Subject:—

L. A. Bill No. LX of 1947.

A Bill to repeal and re-enact the Bombay Local Boards (Amdment) Act, 1942 and to amend the Bombay District Municipal Act-1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925

Rvo

Abolition of Joint Electorate

Bombay Act No. XL I of 1947.

File No. B. District Municipal Local Bds. & Munis Boroughs/47

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607-B

C O N T E N T S.

Legal Department File No. B. Distt.Munis, Local Boards and Boroughs/47.

Sr. No.	Compilation No.	Subject.	Pages.
		A Bill to amend various enactments referred to ———	
1.	———	Statement of Object and Reasons —	1-2.
2.	G.L.L.D.No.11405 dated 29-11-47.	Seeking Governor's assent——	3-6.
3.	L.D.S.I.No.14510 dated 4-12-47.	Forwarding an Authentic copy.—	7-8.
4.	G.S.L.D.No.10283 dated 27-10-47.	Re Publication of the Bill ——	9-14. 11-14 not typed
5.	G.L.L.D.No.11704 dated 8-12-47.	Publication of the Act ——	15-22.
6.	———	Debates in the Assembly ——	23-80. 17-86 not typed
7.	———	Debates in the Council ——	81-86.

A/1815

B/1815

SHT/25.3.

STATEMENT OF OBJECTS AND REASONS.

It is proposed to abolish separate electorates provided for Muslims in the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, and to provide instead for reservation of seats on a popula-tion basis in joint electorates for them as is done for other recognised minorities and as is done for ~~other recognised~~ Muslims themselves in the case of some municipalities constituted under the Bombay District Municipal Act, 1901. The option at present allowed by the Bombay District Municipal Act, 1901, to prescribe separate electorates for Muslims is also proposed to be abolished.

It is further proposed to take power until 31st March 1949 to extend the term of municipalities upto an aggregate maximum of five years, instead of four years as at present, to give time for the rivision on the basis of joint electorates of the constitution of municipalities whose term has already been extended for a full year. For the same reason it is proposed to continue in operation the Bombay Local Boards (Amendment) Act, 1942, by which the limit for the extension of the term of local boards was similarly raised and which, being an Act made by the Governor during the section 93 regime, will lapse in April 1948 unless re-enacted earlier.

(Signed) G.D. Vartak.

Dated 24th October 1947.

By order of the Governor of Bombay,

P. H. LAD,

Secretary to the Government of Bombay,
Legal Department.

Dated 25th October 1947.

SMT/15.5.

IMMEDIATE. No.11405. 9

Legal Department,

Bombay Castle, 29th November 1947.

From

P.N. Lal, Esquire, I.C.S.,
Secretary to the Government of Bombay.

To

The Private Secretary to the Governor of Bombay.

Subject:- A Bill to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, the authentic copy of the Bill to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925 which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 4th and 6th November 1947, respectively.

2. The subject-matter of the Bill falls under entry 13 in List II in the Seventh Schedule to the Government of India Act, 1935.

3. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve the same for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one copy of each of the papers noted in the margin. The Bill was not referred to a Select Committee.

(P.T.O.)

5. (in contd.....)

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 4th November 1947 and of the Bombay Legislative Council dated the 6th November 1947.	

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- P.H.LAD.
28/11

Secretary to the Government of Bombay
Legal Department.

Through

The Secretary to the Government of Bombay,
Health and Local Government Department.

SMT/15.5.

No. P.S.G.- 553
Office of the Private Secretary to the Governor,
Government House,
Bombay, 3rd December 1947.

From

L. E. Bagshawe, Esquire, I.C.S.,
Senior Private Secretary to the Governor of Bombay.

To

The Secretary to the Government of Bombay,
Legal Department.

Subject: The Bombay District Municipal, Local Boards, and Municipal Boroughs (Amendment) Bill, 1947.

Sir,

With reference to your letter No. 11405, dated the 29th November 194' on the subject noted above, I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Bombay District Municipal, Local Boards and Municipal Boroughs (Amendment) Bill, 1947.

Your obedient servant,

Sd/- L.E.Bagshawe.

Private Secretary to the Governor of Bombay.

SHT/15.5.

Bills.

A Bill to repeal and re-enact the Bombay Local Boards (Amendment) Act,1942 and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

GOVERNMENT OF BOMBAY.

Legal Department.
Resolution No. 10283.
Bombay Castle, 27th October 1947.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 27th October 1947, as Bill No. LX of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 30th October 1947.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,

S.L.Chaudhari,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and S.O.R. and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 35 copies for the use of the Legal Department and 20 copies for the use of the Health and Local Government Department.

The Health & Local Government Department,)
*The Oriental Translator to Government,) with a copy
The Bombay Legislature Department,) of the Bill
The Director of Publicity, Bombay,) and S.O.R.

---

*With five extra copies of the Bill.

SHT/15.5.

Acts.

Publication of the Bombay District Municipal, Local Boards, and Municipal Boroughs (Amendment) Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 11734
Bombay Castle, 8th December 1947.

Letter to the Private Secretary to the Governor, No. 11405, dated the 29th November 1947.

Letter from the Private Secretary to the Governor, No. P.S.G.-558, dated the 3rd December 1947.

"With reference to your letter No. 11405, dated the 29th November 1947, on the subject noted above, I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Bombay District Municipal, Local Boards and Municipal Boroughs (Amendment) Bill, 1947."

RESOLUTION.- The law should be published as Bombay Act No. XLV of 1947, in the Bombay Government Gazette dated the 8th December 1947.

2. The Act shall should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Health and Local Government Department.

By order of the Governor of Bombay,

S.B.Palekar,
Deputy Secretary to the Government of Bombay,
Legal Department.

To

The Manager, Government Central Press, Bombay
(with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department.)

The Health and Local Government Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay.
} With a copy of the Act.

extra
*With five/copies of the Act.

SHM/15.5.

Registered No. B-17

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

MONDAY, 8TH DECEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

PAGES

BOMBAY ACT No. XL OF 1947—An Act to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts 370-371

BOMBAY ACT No. XLI OF 1947—An Act to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925 371-374

The following Act of the Bombay Legislature having been assented to by the Governor on the 2nd December 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department

BOMBAY ACT No. XL OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 8th December 1947.)

An Act to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

26 Geo. 5, Ch. 2.
Bom. III of 1940.
Bom. IX of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1947.

Repeal of Bom. III of 1940 and Bom. IX of 1942 and re-enactment of certain sections thereof.

2. The Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, are hereby repealed and sections 2 to 16 (both inclusive) of the first mentioned Act and section 2 of the next mentioned Act are re-enacted. Bom. III of 1940. Bom. IX of 1942.

The following Act of the Bombay Legislature having been assented to by the Governor on the 2nd December 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XLI OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 8th December 1947.)

An Act to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942. 26 Geo. 5, Ch. 2. Bom. XXII of 1942.

AND WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:— Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

Short title.

1. This Act may be called the Bombay District Municipal, Local Boards, and Municipal Boroughs (Amendment) Act, 1947.

Repeal and re-enactment of Bom. XXII of 1942.

2. The Bombay Local Boards (Amendment) Act, 1942, is hereby repealed and re-enacted subject to the following modification, namely:— Bom. XXII of 1942.

Section 2 shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) so renumbered the following shall be inserted, namely:—

"(2) The amendment made by sub-section (*1*) shall have effect only up to 31st March 1949."

Bom. III of 1901.

Amendment of section 11 of Bom. III of 1901.

3. In sub-section (*1*) of section 11 of the Bombay District Municipal Act, 1901,—

(*i*) in sub-clause (*ii*) of clause (*c*), for the words beginning with the words "to be" and ending with the words "if any" the following shall be substituted, namely :—

"and the extent of the wards to be constituted in each municipal district, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes, Indian Christians and Anglo-Indians,";

(*ii*) at the end, the following shall be inserted, namely :—

"*Explanations.*—For the purposes of this sub-section—

(1) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India ;

(2) 'Backward tribe' means a tribe specified in Part II of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936 ;

(3) 'Harijan' means a person belonging to a Scheduled Caste as defined in the Government of India (Scheduled Castes) Order, 1936 ;

(4) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent."

Bom. VI of 1923.

Amendments in sections 3, 6, 15 and 138 and deletion of section 15A of Bom. VI of 1923.

In the Bombay Local Boards Act, 1923,—

(*1*) in section 3, after clause (*dd*), the following shall be inserted, namely :—

"(*ee*) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent ;"

(*2*) for section 6, the following shall be substituted, namely :—

Number of members of Local Boards, etc. to be prescribed.

"6. The number of members of each local board, the number and extent of the constituencies by which the members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward

tribes and Indian Christians, shall be as prescribed by orders made by the Provincial Government under clause (*a*) of section 133.";

(*3*) in sub-section (*3*) of section 15, the first proviso, and the word "further" in the second proviso, shall be deleted;

(*4*) section 15A shall be deleted;

(*5*) in section 133,—

(*i*) for clause (*a*), the following shall be substituted, namely:—

"(*a*) prescribing the number of members of each local board, the number and extent of the constituencies by which members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for women, Muslims, Harijans, backward tribes and Indian Christians;";

(*ii*) clauses (*a1*) and (*a2*) shall be deleted.

Amendment of section 10 of Bom. XVIII of 1925.

5. In section 10 of the Bombay Municipal Boroughs Act, 1925, Bom. XVIII of 1925.—

(*a*) in clause (*c*) of sub-section (*1*)—

(*i*) for the portion beginning with the words "number of councillors to be elected" and ending with the words "be abolished." the following shall be substituted, namely:—

"number and extent of the wards to be constituted in each municipal borough, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes, Anglo-Indians and Indian Christians,";

(*ii*) after Explanation (*2*) the following shall be added, namely:—

"(*3*) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;

(*4*) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent."

(*b*) sub-section (*1A*) shall be deleted.

Temporary amendment of section 17 of Bom. III of 1901 and section 25 of Bom. XVIII of 1925.

6. (*1*) In sub-section (*1*) of section 17 of the Bombay District Municipal Act, 1901, and in sub-section (*1*) of section 25 of the Bombay Municipal Boroughs Act, 1925, for the words "four years" the words "five years" shall be substituted. Bom. III of 1901. Bom. XVIII of 1925.

(*2*) The amendments made by sub-section (*1*) shall have effect only till 31st March 1949.

7. Nothing in this Act shall affect any local board or any municipality constituted immediately before the coming into operation of this Act; and notwithstanding anything contained in this Act, any casual vacancy in such local board or municipality shall be filled in the manner provided by the respective principal Act under which it was constituted, as if this Act had not come into operation. Savings.

IF—80

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

7. Nothing in this Act shall affect any local board or any municipality constituted immediately before the coming into operation of this Act; and notwithstanding anything contained in this Act, any casual vacancy in such local board or municipality shall be filled in the manner provided by the respective principal Act under which it was constituted, as if this Act had not come into operation. Savings.

IF—80

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

MONDAY, 27TH OCTOBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules:—

L. A. BILL No. LX OF 1947.

A Bill to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

26 Geo. 5, Ch. 2. Bom. XXII of 1942.

WHEREAS in view of the provisions of sub-section (*4*) of section 93 of the Government of India Act, 1935, it is expedient to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942.

Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

AND WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay District Municipal, Local Boards, and Municipal Boroughs (Amendment) Act, 1947.

Repeal and re-enactment of Bom. XXII of 1942.

Bom. XXII of 1942.

2. The Bombay Local Boards (Amendment) Act, 1942, is hereby repealed and re-enacted subject to the following modification, namely:—

Section 2 shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) so renumbered the following shall be inserted, namely:—

"(*2*) The amendment made by sub-section (*1*) shall have effect only up to 31st March 1949."

Amendment of section 11 of Bom. III of 1901.

3. In sub-section (*1*) of section 11 of the Bombay District Municipal Act, 1901, Bom. III of 1901.—

(*i*) in sub-clause (*ii*) of clause (*c*), for the words beginning with the words "to be" and ending with the words "if any" the following shall be substituted, namely :—

"and the extent of the wards to be constituted in each municipal district, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes, Indian Christians and Anglo-Indians,";

(*ii*) at the end, the following shall be inserted, namely :—

"*Explanations.*—For the purposes of this sub-section—

(1) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;

(2) 'Backward tribe' means a tribe specified in Part II of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936;

(3) 'Harijan' means a person belonging to a Scheduled Caste as defined in the Government of India (Scheduled Castes) Order, 1936;

(4) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent."

Amendments in sections 3, 6, 15 and 133 and deletion of section 15A, of Bom. VI of 1923.

4. In the Bombay Local Boards Act, 1923, Bom. VI of 1923.—

(*1*) in section 3, after clause (*dd*), the following shall be inserted, namely :—

"(*ee*) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent;"

(2) for section 6, the following shall be substituted, namely :—

Number of members of Local Boards, etc. to be be prescribed.

"6. The number of members of each local board, the number and extent of the constituencies by which the members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward

tribes and Indian Christians, shall be as prescribed by orders made by the Provincial Government under clause (*a*) of section 133." ;

(*3*) in sub-section (*3*) of section 15, the first proviso, and the word "further" in the second proviso, shall be deleted ;

(*4*) Section 15A shall be deleted ;

(*5*) in section 133,—

(*i*) for clause (*a*), the following shall be substituted, namely :—

"(*a*) prescribing the number of members of each local board, the number and extent of the constituencies by which members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for women, Muslims, Harijans, backward tribes and Indian Christians ; " ;

(*ii*) clauses (*a1*) and (*a2*) shall be deleted.

Bom. XVIII of 1925.

Amendment of section 10 of Bom. XVIII of 1925.

5. In section 10 of the Bombay Municipal Boroughs Act, 1925,—

(*a*) in clause (*c*) of sub-section (*1*)—

(*i*) for the portion beginning with the words "number of councillors to be elected" and ending with the words "be abolished" the following shall be substituted, namely :—

"number and extent of the wards to be constituted in each municipal borough, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes, Anglo-Indians and Indian Christians, " ;

(*ii*) after Explanation (*2*) the following shall be added, namely :—

"(*3*) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India ;

(*4*) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent."

(*b*) sub-section (*1A*) shall be deleted.

Bom. III of 1901. Bom. XVIII of 1925.

Temporary amendment of section 17 of Bom. III of 1901 and section 25 of Bom. XVIII of 1925.

6. (*1*) In sub-section (*1*) of section 17 of the Bombay District Municipal Act, 1901, and in sub-section (*1*) of section 25 of the Bombay Municipal Boroughs Act, 1925, for the words "four years" the words "five years" shall be substituted.

(*2*) The amendments made by sub-section (*1*) shall have effect only till 31st March 1949.

Savings.

7. Nothing in this Act shall affect any local board or any municipality constituted immediately before the coming into operation of this Act; and notwithstanding anything contained in this Act, any casual vacancy in such local board or municipality shall be filled in the manner provided by the respective principal Act under which it was constituted, as if this Act had not come into operation.

STATEMENT OF OBJECTS AND REASONS.

It is proposed to abolish separate electorates provided for Muslims in the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, and to provide instead for reservation of seats on a population basis in joint electorates for them as is done for other recognised minorities and as is done for Muslims themselves in the case of some municipalities constituted under the Bombay District Municipal Act, 1901. The option at present allowed by the Bombay District Municipal Act, 1901, to prescribe separate electorates for Muslims is also proposed to be abolished.

It is further proposed to take power until 31st March 1949 to extend the term of municipalities up to an aggregate maximum of five years, instead of four years as at present, to give time for the revision, on the basis of joint electorates, of the constitution of municipalities whose term has already been extended for a full year. For the same reason it is proposed to continue in operation the Bombay Local Boards (Amendment) Act, 1942, by which the limit for the extension of the term of local boards was similarly raised and which, being an Act made by the Governor during the section 93 regime, will lapse in April 1948 unless re-enacted earlier.

(Signed) G. D. VARTAK.

Dated 24th October 1947.

By order of the Governor of Bombay,

P. M. LAD,

Secretary to the Government of Bombay,
Legal Department.

Dated 25th October 1947.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LX OF 1947.

A Bill to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

(As read for the third time and passed by the Legislative Assembly on the 4th November 1947.)

(As read for the third time and passed by the Legislative Council on the 6th November 1947.)

26 Geo. 5, Ch. 2. Bom. XXII of 1942.

WHEREAS in view of the provisions of sub-section (*4*) of section 93 of the Government of India Act, 1935, it is expedient to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942.

Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

AND WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay District Municipal, Local Boards, and Municipal Boroughs (Amendment) Act, 1947.

Bom. XXII of 1942.

Repeal and re-enactment of Bom. XXII of 1942.

2. The Bombay Local Boards (Amendment) Act, 1942, is hereby repealed and re-enacted subject to the following modification, namely :—

Section 2 shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) so renumbered the following shall be inserted, namely :—

"(*2*) The amendment made by sub-section (*1*) shall have effect only up to 31st March 1949."

MO-III Bk Hb 264—1

Amendment of section 11 of Bom. III of 1901.

3. In sub-section (*1*) of section 11 of the Bombay District Municipal Act, 1901,— Bom. III of 1901.

(*i*) in sub-clause (*ii*) of clause (*c*), for the words beginning with the words "to be" and ending with the words "if any" the following shall be substituted, namely :—

"and the extent of the wards to be constituted in each municipal district, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes, Indian Christians and Anglo-Indians,";

(*ii*) at the end, the following shall be inserted, namely :—

"*Explanations.*—For the purposes of this sub-section—

(1) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;

(2) 'Backward tribe' means a tribe specified in Part II of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936;

(3) 'Harijan' means a person belonging to a Scheduled Caste as defined in the Government of India (Scheduled Castes) Order, 1936;

(4) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent."

Amendments in sections 3, 6, 15 and 133 and deletion of section 15A, of Bom. VI of 1923.

4. In the Bombay Local Boards Act, 1923,— Bom. VI of 1923.

(*1*) in section 3, after clause (*dd*), the following shall be inserted, namely :—

"(*ee*) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent;"

(*2*) for section 6, the following shall be substituted, namely :—

Number of members of Local Boards, etc. to be prescribed.

"6. The number of members of each local board, the number and extent of the constituencies by which the members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward

tribes and Indian Christians, shall be as prescribed by orders made by the Provincial Government under clause (*a*) of section 133." ;

(*3*) in sub-section (*3*) of section 15, the first proviso, and the word "further" in the second proviso, shall be deleted ;

(*4*) section 15A shall be deleted ;

(*5*) in section 133,—

(*i*) for clause (*a*), the following shall be substituted, namely :—

"(*a*) prescribing the number of members of each local board, the number and extent of the constituencies by which members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for women, Muslims, Harijans, backward tribes and Indian Christians ; " ;

(*ii*) clauses (*a1*) and (*a2*) shall be deleted.

Amendment of section 10 of Bom. XVIII of 1925.

Bom. XVIII of 1925.

5. In section 10 of the Bombay Municipal Boroughs Act, 1925,—

(*a*) in clause (*c*) of sub-section (*1*)—

(*i*) for the portion beginning with the words "number of councillors to be elected" and ending with the words "be abolished" the following shall be substituted, namely :—

"number and extent of the wards to be constituted in each municipal borough, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes, Anglo-Indians and Indian Christians," ;

(*ii*) after Explanation (*2*) the following shall be added, namely :—

"(*3*) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India ;

(*4*) 'Indian Christian' means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent."

(*b*) sub-section (*1A*) shall be deleted.

Temporary amendment of section 17 of Bom. III of 1901 and section 25 of Bom. XVIII of 1925.

Bom. III of 1901. Bom. XVIII of 1925.

6. (*1*) In sub-section (*1*) of section 17 of the Bombay District Municipal Act, 1901, and in sub-section (*1*) of section 25 of the Bombay Municipal Boroughs Act, 1925, for the words "four years" the words "five years" shall be substituted.

(*2*) The amendments made by sub-section (*1*) shall have effect only till 31st March 1949.

Savings.

7. Nothing in this Act shall affect any local board or any municipality constituted immediately before the coming into operation of this Act; and notwithstanding anything contained in this Act, any casual vacancy in such local board or municipality shall be filled in the manner provided by the respective principal Act under which it was constituted, as if this Act had not come into operation.

Government of Bombay

LEGAL DEPARTMENT

[... A. BILL No. LX OF 1947.]

(As read for the third time and passe the Legislative Assembly on the 4th November 1947.)

(As read for the third time and passed by the Legislative Council on the 6th November 1947.)

A Bill to repeal and re-enact the Bombay Local Boards (Amendment) Act, 1942, and to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

[Mr. G. D. VARTAK, M.L.A.]

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